

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
	:	
v.	:	DATE FILED: _____
	:	
AQUIL LOTT	:	VIOLATIONS:
	:	21 U.S.C. § 841(a)(1) (possession with the
	:	intent to distribute cocaine base
	:	("crack") - one count)
	:	18 U.S.C. § 924(c)(1)(A) (possessing a
	:	firearm during and in relation to a drug
	:	trafficking offense - one count)
	:	18 U.S.C. § 922(g) (possession of a firearm
	:	by a convicted felon - one count)
	:	Notice of additional factors
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about November 11, 2003, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

AQUIL LOTT

knowingly and intentionally possessed with the intent to distribute more than 5 grams, that is,
approximately 22.50 grams of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 11, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant

AQUIL LOTT

knowingly possessed a firearm, that is, a Sturm, Ruger & Co., Model P 95 DC, nine-millimeter Luger, semi-automatic firearm, serial number 314-43669, loaded with 16 live rounds, during and in relation to a drug trafficking crime for which he may be prosecuted in a Court of the United States, that is, possession with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT THREE

THE GRAND JURY FURTHER CHARGES:

On or about November 11, 2003 at Philadelphia in the Eastern District of Pennsylvania,
defendant

AQUIL LOTT,

having been convicted in a court of the State of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting commerce, a firearm and ammunition, that is, a Sturm, Ruger & Co., Model P 95 DC, nine-millimeter Luger, semi-automatic firearm, serial number 314-43669, loaded with 16 live rounds and a magazine loaded with 13 rounds.

In violation of Title 18, United States Code, Sections 922(g)(1).

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count One of this indictment,
defendant

AQUIL LOTT

- a. Committed an offense and relevant conduct involving more than 20 grams but less than 35 grams of cocaine base, as described in U.S.S.G. § 2D1.1(c)(6).
- b. Committed an offense in which a dangerous weapon (including a firearm) was possessed, as described in U.S.S.G. § 2D1.1(b)(1).
- c. Used and possessed a firearm and ammunition in connection with another felony offense, as described in U.S.S.G. § 2K2.1(b)(5).
- d. Used and possessed a firearm and ammunition in connection with the commission and attempted commission of another offense, as described in U.S.S.G. § 2K2.1(c)(1).
- e. Possessed and transferred a firearm and dangerous weapon with knowledge and intent that it would be used and possessed in connection with another offense, as described in U.S.S.G. § 2K2.5(c)(1).
- f. Committed the instant offense while under a criminal justice sentence, that is, probation, as defined by U.S.S.G. § 4A1.1(d).

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count Three of this indictment,
defendant

AQUIL LOTT

- a. Used and possessed a firearm and ammunition in connection with another felony offense, as described in U.S.S.G. § 2K2.1(b)(5).
- b. Used and possessed a firearm and ammunition in connection with the commission and attempted commission of another offense, as described in U.S.S.G. § 2K2.1(c)(1).
- c. Possessed and transferred a firearm and dangerous weapon with knowledge and intent that it would be used and possessed in connection with another offense, as described in U.S.S.G. § 2K2.5(c)(1).
- d. Committed the instant offense while under a criminal justice sentence, that is, probation, as defined by U.S.S.G. § 4A1.1(d).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Section 841(a)(1) set forth in Count One of this indictment, defendant

AQUIL LOTT

shall forfeit to the United States under Title 21, United States Code, Section 853:

(a) any and all real and/or personal property which the defendant used in any manner or part to facilitate the commission of the violations of Title 21, United States Code as charged in this indictment, including but not limited to: one Sturm, Ruger & Co., Model P 95 DC, nine-millimeter Luger, semi-automatic firearm, serial number 314-43669, loaded with 16 live rounds.

(b) any and all real and/or personal property constituting, or derived from, any proceeds obtained directly or indirectly as the result of the violation of Title 21, United States Code as charged in this indictment, including but not limited to, \$144.00 in United States currency.

2. If any of the property subject to forfeiture, as a result of any act or commission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, section 853(p), to seek forfeiture of any other property of said defendant up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney